

REMARKS

The present application includes pending claims 1-48, all of which have been rejected. Claims 1, 15, 25, 28, 30, and 35 have been amended.

Claims 1-48 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 7,065,778 (“Lu”) in view of U.S. 2002/0154892 (“Hoshen”). Claims 10-13, 23-24, 28, 33 and 45-47 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lu in view of Hoshen and U.S. 6,963,358 (“Cohen”). The Applicants respectfully traverse these rejections for at least the reasons previously discussed during prosecution and the following.

I. The Proposed Combinations Do Not Describe, Teach, Or Suggest Enabling A User To Construct And Communicate A User Defined Media Channel, As Recited In The Independent Claims

Claim 1 has been amended to recite, in part, “second software configured to enable a user at the first home to construct, at the first home, at least one user defined media channel, the second software also configured to enable closed and secure communication of the at least one user defined media channel to others within a user defined group that are at separate and distinct locations from the first home, in a peer-to-peer manner, from the first home.” Independent claims 15, 25, 30, and 35 have been amended in a similar fashion. The Applicants respectfully submit that the proposed combination of Lu and Hoshen does not describe, teach, or suggest these limitations. Thus, for at least these reasons, the proposed combination does not render claims 1-48 unpatentable.

II. Additional Deficiencies Of Lu

Claim 1 recites, in part, “software that **maintains a user defined association of the first and second network protocol addresses**, that receives a request that identifies one of the associated first and second network protocol addresses and responds by identifying the other of

the associated first and second network protocol addresses to support delivery via the communication network of the 3rd party media from the at least one server, and the first media from the first storage, to the second home, and the 3rd party media from the at least one server, to the first home, for concurrent consumption of the 3rd party media by the first television, and the 3rd party media and the first media by the second television.” Lu does not describe, teach, or suggest these limitations. Instead, as explained previously, Lu merely discloses that a user of a PVR requests delivery of a specific television show, at which point a server computer arbitrarily locates another PVR in a particular broadcast area to record the show for the requesting PVR.

III. Software That Maintains A User Defined Association Of The First And Second Network Protocol Addresses, As Recited In Independent Claims 1, 15 And 35

The Office Action acknowledges that Lu “does not explicitly disclose wherein server software maintains a user defined association of the first and second network protocol addresses....” See July 7, 2009 Office Action at pages 6. In an attempt to overcome this deficiency, the Office Action relies on Hoshen. See *id.* at page 6.

Similar to Lu, however, Hoshen also does not describe, teach or suggest a “user defined association” of network protocol addresses. Instead, Hoshen discloses a “method for distributing content on demand over a cable network in which the subscribers are connected to a Central Unit in a hierarchical order of nodes, each node comprises a plurality of subscriber clusters.” See Hoshen at Abstract. See also *id.* at [0001] (“The present invention relates to the field of cable T.V. networks”) and [0055] (“The present invention introduces new solutions for the storage, distribution and management of video and other ‘Content on Demand’ for Cable TV networks”). Thus, Hoshen discloses a cable system that includes a plurality of subscribers. In a typical cable

system, the subscribers themselves do not define any association as between fellow subscribers. Instead, the individuals merely subscribe to the cable service, and programming is sent to the subscribing individuals through the cable provider.

Hoshen does disclose “peer-to-peer” distribution. *See id.* at [0060]. However, the “term ‘peer-to-peer’ refers to a transmission of content or management data from one SSTB to another, or to a regular STB.” *See id.* at [0060]. While content may be transmitted (and data managed) from one SSTB to another or to a regular STB, Hoshen does not describe, teach or suggest a user-defined association of network addresses with respect to other individual subscribers.

Indeed, Hoshen explicitly discloses that it is the cable management system, but not individual subscribers, that selects particular SSTBs for streaming media. In particular, Hoshen discloses that “[u]pon receiving a viewing request from a subscriber 63, the Management System 57 selects an SSTB 20, for example SSTB 64 in which the requested title (or the first slice of the title) is stored (step 143), and a free streaming channel in the specific cluster 30-1, via which the title is streamed.” *See id.* at [0088]. Again, however, there is nothing in Hoshen that describes, teaches or suggests user-defined association of network addresses with respect to other individual subscribers.

Hoshen does state that “it may be desirable to enlarge the number of users within one cluster, or more particular, to form a group of users larger than a cluster, within which the VOD services are provided.” *See id.* at [0110]. However, Hoshen does not describe, teach or suggest that it is any of the “users” that enlarges the groups or that any of the “users” form the “group.”

Hoshen does not describe, teach or suggest “software that **maintains a user defined association of the first and second network protocol addresses.**” Further, the Office Action acknowledges that Lu does not describe, teach or suggest this limitation. *See* July 7, 2009 Office

Action at page 6. Thus, for at least these reasons, the proposed combination of Lu and Hoshen does not render claims 1, 15, 35 and the claims that depend therefrom unpatentable.

IV. Receiving First Media From A First Storage And 3rd Party Media From At Least One Server, For Concurrent Consumption By A Television

Additionally, the Office Action cites Lu at column 6, lines 21-28 and 39-61 as disclosing “support[ing] delivery via the communication network of the 3rd party media from the at least one server, and the first media from the first storage, to the second home, and the 3rd party media from the at least one server, to the first home.” See July 7, 2009 Office Action at pages 5-6. As such, the Applicants will address these portions upon which the Office Action relies.

First, Lu at column 6, lines 21-28 states the following:

An optional display device 212 is coupled to bus 210 of personalized video recorder 200 for displaying video and/or graphics. It should be appreciated that optional display device 212 may be a cathode ray tube (CRT), flat panel liquid crystal display (LCD), field emission display (FED), or any other display device suitable for displaying video and/or graphic images and alphanumeric characters recognizable to a user.

As shown above, this cited portion of Lu merely discloses that a display device, examples of which are recited, is coupled to a bus of a PVR. This cited portion of Lu does not describe, teach or suggest, however (nor has the Office explained how it could describe, teach or suggest) “support[ing] delivery via the communication network of the 3rd party media from the at least one server, and the first media from the first storage, to the second home, and the 3rd party media from the at least one server, to the first home, for concurrent consumption of the 3rd party media by the first television display, and the 3rd party media and the first media by the second television display,” as recited in claim 1, for example.

Next, Lu at column 6, lines 39-61 (the only other portion of Lu that the Office Action cites as disclosing the “supporting” limitations) recites the following:

Specifically, personalized video recorder 200 is coupled to the Internet 302 such that it can receive an electronic programming guide (EPG) containing worldwide television programming from an EPG server computer 304. The user of personalized video recorder 200 utilizes the EPG to request delivery of a specific television show that may not be available to him or her. Upon reception of the request from personalized video recorder 200, EPG server computer 304 locates via Internet 302 one or more personalized video recorders (e.g., 200A and/or 200B) situated within a broadcast region of the request television show. Subsequently, EPG server computer 304 programs one or more personalized video recorders (e.g., 200A and/or 200B) to record the requested television show when it is broadcast by a television content provider (e.g., television head-end 308). Once the personalized video recorders (e.g., 200A and 200B) record the television show, one or more of the personalized video recorders may transmit it to the requesting personalized video recorder 200. In this manner, the present embodiment enables personalized video recorder 200 to order and receive specific television shows that are unavailable from its television content provider (e.g., 306).

See Lu at column 6, lines 39-61. The “request” mentioned in this passage is a “request [for] delivery of a specific television show that may not be available to him or her.” See *id.* at column 6, lines 43-45. As this cited portion makes clear, in response to the request for delivery, the EPG server “locates one or more personalized video recorders situated within a broadcast region of the requested television show.” Location of a recorder within a particular broadcast region in response to a request for delivery of a particular television show is not a response to a request that “identif[ies] the other of the associated first and second network protocol addresses to support delivery,” as recited in claim 1, for example. Moreover, there is nothing in this passage, or the rest of Lu, that describes, teaches, or suggests “support[ing] delivery via the communication network of the 3rd party media from the at least one server, and the first

media from the first storage, to the second home, and the 3rd party media from the at least one server, to the first home, for concurrent consumption of the 3rd party media by the first television display, and the 3rd party media and the first media by the second television display,” as recited in claim 1.

The Office Action also acknowledges, however, that Lu “does not explicitly disclose ... wherein supporting delivery via the communication network of the 3rd party media from at least one server to first and second home.” See July 7, 2009 Office Action at page 6. As explained in detail above, however, Lu does not describe, teach or suggest “support[ing] delivery via the communication network of the 3rd party media from the at least one server, and the first media from the first storage, to the second home, and the 3rd party media from the at least one server, to the first home, for concurrent consumption of the 3rd party media by the first television display, and the 3rd party media and the first media by the second television display,” as recited in claim 1. The Office Action cites Hoshen at Abstract, [0003], [0078], [0085], [0055]-[0060] and Figures 1-3 as disclosing these limitations. See *id.* at page 6. However, a review of these cited portions of Hoshen demonstrates that they do not describe, teach or suggest “support[ing] delivery via the communication network of the 3rd party media from the at least one server, and the first media from the first storage, to the second home, and the 3rd party media from the at least one server, to the first home, for concurrent consumption of the 3rd party media by the first television display, and the 3rd party media and the first media by the second television display,” as recited in claim 1. As shown above, the claim is clear that 3rd party media from a server AND first media from a first storage are delivered to a second home, while 3rd party media is also sent to the first home, such that the third party media is concurrently displayed on the first and second television displays. The cited portions of Hoshen simply do not

describe, teach or suggest such limitations. If the Examiner persists in this rejection, the Applicants respectfully request specific quotations from Hoshen and explanation as to how and where these limitations are disclosed.

Nevertheless, for at least these additional reasons, the Applicants respectfully request reconsideration of the rejection of claim 1 and the claims that depend therefrom.

Independent claim 25 recites, in part, “set top box circuitry, in the second home, communicatively coupled to receive the first media from the first storage and the 3rd party media from the at least one server, for concurrent consumption by the second television display,” and “software that coordinates delivery via the communication network of the first media from the first storage and the 3rd party media from the at least one server to the set top box circuitry.” As discussed above, the portions of the cited references that the Office Action relies on do not describe, teach or suggest receiving first media from a first storage and 3rd party media from at least one server, for concurrent consumption by a television. Thus, for at least these reasons, the Applicants respectfully request reconsideration of the rejection of claims 25 and the claims that depend therefrom.

Claim 30 recites, in part, “software that coordinates delivery via a communication network of the first media from the first storage and the 3rd party media from the at least one server to the set top box circuitry.” For at least some of the reasons discussed above, the Applicants respectfully request reconsideration of the rejection of claim 30 and the claims that depend therefrom.

V. The Proposed Combination Of Lu, Hoshen And Cohen

The Applicants respectfully request reconsideration of the rejection of claims 10-13, 23-24, 28, 33 and 45-47 for at least the reasons discussed above.

VI. Conclusion

In general, the Office Action makes various statements regarding the pending claims and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. The Applicants expressly reserve the right, however, to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a future claim rejection).

The Applicants respectfully submit that the Office Action has not established a *prima facie* case of anticipation or obviousness with respect to any of the pending claims for at least the reasons discussed above and request that the outstanding rejections be reconsidered and withdrawn. If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the undersigned attorney for Applicants.

The Commissioner is authorized to charge any necessary fees, **including the \$490 fee for the 2-month extension and the \$810 fee for the Request for Continued Examination**, or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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